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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/971,093	10/04/2001	David Isherwood	52555-5015	2116

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EXAMINER

LE, UYEN CHAU N

ART UNIT PAPER NUMBER

2876

DATE MAILED: 08/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

4h

Office Action Summary**Application No.**

09/971,093

Applicant(s)

ISHERWOOD ET AL.

Examiner

Uyen-Chau N. Le

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 July 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>51403 and 81103</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Requesting Continued Examination (RCE)

1. Receipt is acknowledged of the Requesting Continued Examination (RCE) filed 12 July 2004.

Information Disclosure Statement

2. The information disclosure statement filed 21 January 2003 and 25 February 2002 fails to provide form PTO-1449. It has been placed in the application file, but the information referred to therein has not been considered.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later

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invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wilz, Sr. et al (US 6,076,733) in view of Hayes Jr. (US 6,105,063).

Re claims 1-6: Wilz Sr. et al discloses a system and method for directing an end-user to a network location using information corresponding to a provider associated with the end-user, comprising a database with a plurality of records each of which is associated with a different machine-readable code 8, wherein one or more of the records has a plurality of different network addresses associated therewith, the different network address being associated with different providers; a network site at which scan information associated with one or more scans of machine-readable codes made by the end-user with a remote scanning device is received, the end-user being associated with one of the different providers; wherein in response to the scan information, records associated with the machine-readable codes scanned by the end-user are retrieved from the database; based on criteria specified by the provider associated with the end-user/based on an expressed goal of the end-user/based on property information of a session of the end-user on the network (figs. 4-5; col. 21, lines 44-64), at least one network address for each of the retrieved record is selected; and transmission of the at least one selected network address is initiated from the network site to the end-user (figs. 1-3; col. 10, line 1 through col. 20, line 67).

Wilz Sr. et al fails to teach or fairly suggest that the method comprising selecting at least one network address for each of the retrieved records based on user profile information, based on information regarding a device employed by the user to access the network, based on context

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information comprising information regarding current or historical activity of the user on the network.

Hayes Jr. teaches each retrieved record based on a user profile information (e.g., user ID and password) (col. 6, line 33); based on information regarding a device employed by the user to access the network (e.g., unique identifier of the terminal) (col. 13, lines 18-24); based on context information comprising historical activity of the user on the network (e.g., URL was previously loaded from the server) (col. 13, line 52 through col. 14, line 27).

It would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to incorporate the teachings of Hayes Jr. into the method for directing an end-user to a network location as taught by Wilz Sr. et al in order to provide a greater user-support capability wherein the retrieved information is more fit into the user needs, and thus the user would find his/her desired information readily, eliminates time wasting in surfing the net.

Response to Arguments

6. Applicant's arguments with respect to claims 1-6 have been considered but are moot in view of the new ground(s) of rejection.

Newly cited reference to Hayes Jr. was used in the new ground of rejection to further meet the newly added limitation of claims 1-6.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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The patents to Isherwood et al (US 6,691,914); Walker et al (US 5,947,747); Roderick (US 6,122,648); Viridy (US 6,148,289); Reps et al (US 6,070,190); Hudetz et al (US 5,978,773) are cited as of interest and illustrate a similar structure to an apparatus and system of METHOD AND SYSTEM FOR DIRECTING END USER TO SELECTED NETWORK LOCATION OF PROVIDER BASED ON USER-PROVIDED CODES.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Uyen-Chau N. Le whose telephone number is 571-272-2397. The examiner can normally be reached on Mon, Wed. and Fri. 5:30AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, MICHAEL G LEE can be reached on 571-272-2398. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Uyen-Chau N. Le
August 06, 2004